

## CHAPTER 13

## REFUSE: GARBAGE AND WEEDS

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- § 13-11 Same -- Burning. (Amend. 2-73; 9/14/98)

Sec. 13-1 Definitions

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

Owner. Includes persons holding title to any land or lot in Town; lessees, tenants and principal occupants of any land or lot in the Town or agents of persons holding titles to such lands or lots, having care, custody, control or management of the land or lot; and fiduciaries holding title to or having the care, custody, control or management of land or lots in the Town for others.

Weeds. The word "weeds" as used in this Chapter, shall include any and all economically useless plants; plants of unsightly appearance, of wild rank or uncontrolled growth standing on land but excluding timber and plants or flowers cultivated as or for landscaping or useful economic purposes. (Code 1962, § 5-58; 6-63; 3-69)

Sec. 13-2 Dumping Trash, Etc., on Highway, Right-of-Way or Private Property

It shall be unlawful for any person to dump or otherwise dispose of trash, garbage or other unsightly matter, on a public highway, right-of-way or on private property.  
(Code 1962, § 5-58; 3-66)



Sec. 13-3 Trash, Garbage, Refuse, etc. -- Property to be Free of Generally.<sup>1</sup>

The Town Council finds that the proliferation of trash, garbage, refuse and litter, including but not limited to discarded food and beverage containers, and other food and beverage related trash and litter within the Town of Vienna constitutes a threat to the health and safety of the community as contemplated by the Code of Virginia (1950) Sec. 15.1-11. (Amend. 9-29-86)

Owners of property within the Town shall keep such property free of trash, garbage, refuse, litter and other substances which might endanger the health of residents of the Town. (Code 1962. § 14-2; 6-63)

Sec. 13-4 Same--Notice to Remove.

When substances of the nature set forth in § 13-3 are found upon property within the Town, the Director of Planning and Zoning shall immediately notify the owner of such property to remove such substance. Such notification shall be by registered or certified letter sent to the owner at his last known address. If, after diligent inquiry, no address can be found for such owner, the letter herein referred to shall be posted in a conspicuous place on the property. (Code 1962, § 14-2; 6-63)

Sec. 13-5 Same--Procedure for Removal by Town.<sup>2</sup>

If the substances referred to in Section 13-3 have not been removed from the property by the owner within ten days from the date the letter referred to above has been mailed, or the notice posted, the Director of Planning and Zoning shall cause the removal by Town forces, or the Town's agent, of such substances from such property forthwith. (Code 1962, § 14-2; 6-63; 3-69; 9/14/98)

Sec. 13-6 Same--Costs of Removal

Where substances have been removed from property by the Director of Planning and Zoning pursuant to the provisions of § 13-5, the cost of such removal shall be billed to the owner of the property. If such bill is not paid, it shall be added to the Town real estate tax bill on such property, and shall be a lien on such property to the same extent and effect as the real estate tax is. (Code 1962, § 14-2; 6-63; 9/14/98)

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<sup>1</sup> For state law as to removal of trash, garbage, etc., from property, see Code of Va., § 15.1-11

<sup>2</sup> For state law as to authority of Town to provide for removal of trash, garbage etc., from property, see Code of Va. § 15.1-11.



Sec. 13-7 Grass, Weeds and Other Foreign Growth -- Permitting in Excess of Six (6) Inches in Height Prohibited.

Owners of property within the Town shall not allow grass, weeds, and other foreign growth thereon to exceed six inches in height within one hundred feet of any street or adjacent property line. (Code 1962, § 14-3; 6-63; 3-69)

Sec. 13-8 Same-- Notice to Cut

Where grass, weeds or other foreign growth in excess of six inches (6") in height are found upon property, the Director of Planning and Zoning shall immediately notify the owner of such property to cut such grass, weeds or other foreign substances down to a height not to exceed three inches (3"). Notification shall be made by the same procedure as set forth in § 13-4. (Code 1962, § 14-3; 6-63; 3-69; 9/14/98)

Sec. 13-9 Same-- Procedure for Cutting by Town<sup>3</sup>

If the grass, weeds or other foreign growth have not been cut down within ten (10) days from the date of the letter or posting provided for in § 13-4, the Director of Planning and Zoning shall cause the cutting down by the Town, or the Town's agent, such grass, weeds or other foreign growth forthwith. (Code 1962, § 14-3; 6-63; 3-69; 9/14/98)

Sec. 13-10 Same --Cost of Cutting

Where grass, weeds or other foreign growth have been cut down on property by the Director of Planning and Zoning pursuant to the provisions of § 13-9, the cost of such cutting shall be billed to the owner of the property. If such bill is not paid, it shall be added to the Town real estate tax bill on such property, and shall be a lien on such property to the same extent and effect as the real estate tax is. (Code 1962, § 14-3; 6-63; 9/14/98)

Sec. 13-11 Same--Burning

Any owner of land required to remove weeds under the provisions of this Chapter may after first complying with the requirements of the County of Fairfax Air Pollution Control Ordinance, remove the same by burning under the supervision of the Town Volunteer Fire Department. Prior to such burning, such owner shall agree in writing with the Town upon such form as shall be prescribed by the Department of Planning and Zoning, to indemnify, reimburse and save the Town and its agents, officers and employees harmless from all damages that may

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<sup>3</sup> For state law as to authority of Town to provide for cutting and removal of weeds, grass, etc., from property, see Code of Va. § 15.1-11

result directly or indirectly to persons and property from the burning of weeds.  
(Code 1962, § 14-3; 6-63; Amend. 2-73; 9/14/98)

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